

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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LATONIA SMITH,

Plaintiff,

v.

CAESARS ENTERTAINMENT
CORPORATION, *et al.*,

Defendants.

Case No. 2:19-cv-00856-GMN-GWF

ORDER

This matter is before the Court on Plaintiff's Motion to Seal and Exclude Medical Records (ECF No. 26), filed on June 5, 2019. Defendants Caesars Entertainment Corporation ("Caesars"), PHWLTV, LLC, and Ethan Thomas filed their Opposition (ECF No. 36) on June 19, 2019. Defendant Shannon Pierce filed her Opposition (ECF No. 37) on June 19, 2019.

Plaintiff requests that the Court seal medical records that are attached as an exhibit to a motion filed originally in the Eighth Judicial District Court. In this case, such motion is attached to Defendant Pierce's request for judicial notice as Exhibit B. *See* ECF No. 13, Exhibit B. The Ninth Circuit comprehensively examined the presumption of public access to judicial files and records in *Kamakana v. City and County of Honolulu*, 447 F.3d 1172 (9th Cir. 2006). There, the court recognized that different interests are at stake in preserving the secrecy of materials produced during discovery and materials attached to dispositive motions. The *Kamakana* court held that a "good cause" showing is sufficient to seal documents produced during discovery. *Id.* at 1180. However, the *Kamakana* decision also held that a showing of "compelling reasons" is needed to support the secrecy of documents attached to dispositive motions.


Defendants represent that such medical records were originally filed by Plaintiff and/or Plaintiff's mother in the state court action. Defendants do not oppose sealing the medical records attached as Exhibit B to Defendant Pierce's request for judicial notice, except to the extent that

1 they have already been made publicly available. Defendants, however, oppose Plaintiff's request
2 for a blanket exclusion or striking of medical records in this litigation. Upon review, the Court
3 finds good cause to seal Exhibit B to Defendant Pierce's request for judicial notice. ECF No. 13,
4 Exhibit B. Plaintiff's request to "exclude confidential medical records," however, is unclear. She
5 does not provide any basis for such request; nor does she explain if she is requesting a blanket
6 exclusion or that such records be stricken from the record. The Court denies Plaintiff's request to
7 exclude the medical records to the extent that she is requesting that they be excluded from the
8 litigation or stricken from the record. Accordingly,

9 **IT IS HEREBY ORDERED** that Plaintiff's Motion to Seal and Exclude Medical Records
10 (ECF No. 26) is **granted**, in part, and **denied**, in part according to the provisions herein.

11 **IT IS FURTHER ORDERED** that the Clerk of the Court shall seal Exhibit B attached to
12 Defendant's Request for Judicial Notice (ECF No. 13).

13 Dated this 10th day of July, 2019.

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16 GEORGE FOLEY, JR.
17 UNITED STATES MAGISTRATE JUDGE
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